

PCT

Application No.: 10/530,290

Docket No.: 4845-0101PUS1

Docket No.: 4845-0101PUS1
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:
Thomas L. HASCHEN et al.

Application No.: 10/530,290

Confirmation No.: Unknown

Filed: April 5, 2005

Art Unit: N/A

For: FERMENTATION BYPRODUCT FEED
FORMULATION AND PROCESSING

Examiner: Not Yet Assigned

PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(c)MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Initially, Applicants respectfully note that 37 CFR §1.102(c), the basis for this petition, clearly indicates that no petition fee is required for petitions alleging that the invention will materially enhance the quality of the environment or materially contribute to the development or conservation of energy resources.

37 CFR §1.102(c) and MPEP §708.02, section VI indicates that the USPTO will, on petition, accord "special status" to all patent applications for inventions that materially contribute to the more efficient utilization and conservation of energy resources.

Applicants hereby petition that special status be accorded to this Application because the systems and methods of this Patent Application provide a significant incentive to farmers and other agricultural enterprises to increase ethanol production from corn and other crops and

thereby materially contribute to the more efficient use and/or conservation of petroleum energy resources.

By way of background, Applicants respectfully present the following information:

It is well known that ethanol (ethyl alcohol) is used in blends with motor fuels to (1) increase the octane of the motor fuels, (2) as an oxygenate (to prevent air pollution from carbon monoxide and ozone and, thereby, improve air quality), and (3) as an extender of motor fuels.

Applicants disclosed and claimed invention concerns systems and methods for nutritionally enhancing wet and dry distillers grain byproducts of ethanol production to achieve nutritionally enhanced byproducts, which will increase the profitability of those byproducts. The improved profitability derived from the nutritionally improved byproducts will provide ethanol producers with significant incentive to increase ethanol production, thereby materially contributing to the more efficient use of, and conservation of, petroleum based motor fuels.

One reason that the systems and methods of this Application actually make the ethanol production created distillers grain byproducts more economically advantageous is because the systems and methods of this Application permit ethanol producers to enhance the nutrition of the distillers grain byproducts by using existing equipment on the site of the ethanol production, with little or no additional capital investment.

As a result of the improved economies achieved by using the systems and methods of this invention to produce distillers grains with enhanced nutritional values, the selling price of the nutritionally enhanced distillers grains is expected to increase the total net revenue derived by distillers for the distillers grain byproducts by at least 300 % . As a practical matter, Applicants estimate that an ethanol distiller/producer will receive an additional \$25 - \$30 per ton in net

earnings per ton over byproduct that is not nutritionally enhanced using the systems and methods according to this invention. Furthermore, the sales price of dry distillers grain byproducts has decreased from \$107.50 per U.S. ton in January 2004 to about \$71 per U.S. ton in January 2005. Based on the 2005 production of 7 million US tons the ethanol industry has suffered lost income of \$255,500,000 on an annualized basis, income that can be substantially recaptured based on use of the systems and methods of this invention. The opportunity to recapture such lost income potential will give ethanol producers incentive to increase ethanol production to produce additional distillers grain products that can be nutritionally enhanced to achieve this potential lost income. As a result, ethanol production will be materially increased, to thereby materially contribute to the more efficient use of, and conservation of, petroleum based motor fuels, including the resulting improvement in quality of the environment.


Moreover, the systems and methods according to this invention are expected to contribute to substantially increased amounts of distillers grains to be exported out of the country as economically produced nutritionally enhanced grain byproducts that are nutritionally enhanced by the processes of this Application. Currently only 14% of dried distillers grains are exported. Additionally, distillers grain byproducts that are nutritionally enhanced by the systems and methods according to this invention are more concentrated than non-nutritionally enhanced distillers grain byproducts and thus less expensive to ship in the sense that they are less freight sensitive than non-nutritionally enhanced distillers grain byproducts. This will make these products more competitive in foreign markets. Estimates of export increases in nutritionally enhanced distillers grain byproducts due to the systems and methods of this invention are from 20% to 25%, which represents an increase of from 6% to 11%.

Thus, Applicants respectfully submit that special status be accorded to this Application because the systems and methods of this Patent Application provide a significant incentive to farmers and other agricultural enterprises to increase ethanol production from corn and other crops and thereby materially contribute to the more efficient use and/or conservation of petroleum energy resources.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: July 11, 2005

Respectfully submitted,

By 
Robert J. Webster
Registration No.: 46,472
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Rd
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant